REMARKS

This is a response to the Office Action dated April 2, 2009. Claims 1-41 are pending. Claims 18-24 stand rejected under 35 U.S.C. § 101, because the claimed invention is directed to non-statutory subject matter. Claims 1-8 and 10-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,897,622 ("Blinn"). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Blinn in view of U.S. Pat. No. 6,401,085 ("Gershman"). No new matter has been added. Claims 1-2, 4-12, 14-28, 30, 32-33, 35-36, 39, and 41 have been amended for clarity.

Reconsideration of the application is respectfully requested in light of the following remarks.

I. INTERVIEW SUMMARY

Applicant thanks the Examiner for discussing the patent application on Tuesday, April 7, 2009. Applicant has amended the claims, for the sake of clarity, per the discussion.

II. REJECTIONS UNDER 35 U.S.C. § 101

Claims 18-24 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed towards non-statutory subject matter. The Office Action states "it is entirely possible for the corresponding disclosed 'processing means for' to cover an embodiment of the software alone." Final Office Action dated 04/02/2009, p. 2. Applicants have replaced all instances of "processing" in claims 18-24 with "processor." Applicants submit that each amended claim element is a physical part of the system. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of claims 18-24.

III. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1-8 and 10-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Blinn. Blinn generally relates to a "system for online shopping and merchandising." Blinn, Abstract. Blinn discloses "a merchant uses a merchant browser 123…to manage its online store." Blinn, col. 6, ll. 40-44. However, Blinn fails to disclose any information describing building the user interface of the merchant browser 123. Blinn also fails to

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disclose any information describing the merchant browser 123 itself, and Blinn fails to disclose drawings, screenshots, or any representation of the merchant browser 123. Accordingly, Blinn can not disclose the visually distinguished elements of the user interface recited in the claims.

Thus, Blinn fails to disclose "adding an area to the user interface, the area visually distinguished from and concurrently displayed with the module, the area providing a plurality of statistical data items associated with commerce of each web-based storefront identified in the at least one control panel," as claimed in independent claims 1 and 25.

Blinn further fails to disclose "presenting an area to the user over the network, the area visually distinguished from and concurrently displayed with the module and the area providing a plurality of statistical data items associated with commerce of each web-based storefront identified in the at least one control panel," as claimed in independent claim 11.

Blinn further fails to disclose "adding an area to the control mechanism, the area visually distinguished from and concurrently displayed with the module, and the area to provide a plurality of statistical data items associated with commerce of each web-based storefront identified in the at least one control panel," as claimed in independent claim 18.

Blinn further fails to disclose "instructions for encoding an area, visually distinguished from and concurrently displayed with the module, the area for providing a plurality of statistical data items associated with commerce of each web-based storefront identified in the at least one control panel," as claimed in independent claims 30 and 33.

Blinn further fails to disclose "instructions for constructing an area, visually distinguished from and concurrently displayed with the module, the area for providing a plurality of statistical data items associated with commerce of each web-based storefront identified in the at least one control panel," as claimed in independent claim 36.

Blinn further fails to disclose "instructions for encoding an area of the user interface, visually distinguished from and concurrently displayed with the module, the area providing a plurality of statistical data items associated with commerce of each web-based storefront identified in the at least one control panel," as claimed in independent claim 39.

The teachings of Blinn focus on the consumer side of online shopping and merchandising. Blinn mentions a merchant browser 123, but **Blinn provides no description whatsoever of the merchant browser 123 or the operation of the**

merchant browser 123. The Examiner states "Blinn teaches [a] template defines the appearance of a page, such as the home store page 103 (FIG. 1), a product page or a customer information page." Final Office Action dated 04/02/2009, p. 8. Applicants respectfully note these pages are the consumer-facing portion of the "online store." Blinn makes no mention of the pages used in the merchant browser 123, or any other page which could be used to "create or manage one of the plurality of web-based storefronts," as claimed. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of independent claims 1, 11, 18, 25, 30, 33, 36, and 39, and all claims that depend thereon.

IV. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Blinn in view of Gershman. Blinn generally relates to a "system for online shopping and merchandising." Blinn, Abstract. As previously discussed, Blinn fails to disclose "adding an area to the user interface, the area visually distinguished from and concurrently displayed with the module, the area providing a plurality of statistical data items associated with commerce of each web-based storefront identified in the at least one control panel," as claimed in independent claim 1, which dependent claim 9 depends on. Gershman generally relates to "web-based information retrieval and display." Gershman, Abstract. Gershman discloses, "personalized electronic commerce." Gershman, col. 45, l. 37. Gershman fails to disclose any information describing a user interface for managing a business operated through a web-based storefront. Thus, Gershman fails to disclose "adding an area to the user interface, the area visually distinguished from and concurrently displayed with the module, the area providing a plurality of statistical data items associated with commerce of each web-based storefront identified in the at least one control panel," as claimed in independent claim 1, which claim 9 depends on.

Accordingly, Applicants respectfully submit that dependent claim 9 is patentable over Blinn in view of Gershman, because Blinn and Gershman, alone or in combination, fail to disclose all of the elements of dependent claim 9.

CONCLUSION

Each of the rejections in the Final Office Action dated April 2, 2009 has been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

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